

**Following are PROPOSED REGULATIONS governing DISCRIMINATION IN
PLACES OF PUBLIC ACCOMMODATION in the COMMONWEALTH OF
MASSACHUSETTS.**

**TITLE 804:
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION**

**CHAPTER 5.00:
NON-DISCRIMINATION BY PLACES OF PUBLIC ACCOMMODATION
BASED ON DISABILITY**

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804 CMR 5.01

Purpose, Authority and Effective Date

The purpose of 804 C.M.R 5.00 *et seq.* is to implement the disability¹ non-discrimination provisions of the Public Accommodations Statute, M.G.L. c. 272, §§ 92A, 98, and 98A. 804 CMR 5.00 is adopted pursuant to M.G.L. c. 151B, § 3, ¶ 5 and shall take effect immediately.

804 CMR 5.02

Applicability

804 C.M.R. 5.00 and M.G.L. c. 272, §§ 92A, 98, and 98A prohibit discrimination as described herein by any person or entity that owns, leases, leases to, or operates any place of public accommodation, as well as discrimination concerning the admission to or treatment in a place of public accommodation by persons who neither own, lease, nor operate the place of public accommodation.

¹ M.G.L c. 272, § 92A, 98, and 98A and M.G.L. c.151B use the terms “handicap” and “disability” interchangeably and the terms are intended to have the same meaning.

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Relationship to Other Laws

804 C.M.R. 5.00 does not invalidate or limit the remedies, rights, and procedures of any Federal laws, or other State and local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them. 804 C.M.R. 5.00 does not apply where an alternative, comprehensive state administrative enforcement procedure is available, such as the Architectural Access Board regulations, 521 C.M.R. 1, *et seq.*, or the Special Education regulations, 603 C.M.R. 28.00, *et seq.*

804 CMR 5.04

Definitions

The following terms as used in 804 C.M.R. 5.00 shall have the following meanings:

(1) Current illegal use of drugs - Engaged in the illegal use of a controlled substance, as defined in the Massachusetts Controlled Substance Act (M.G.L. c. 94C, §§ 3, 31), or under the influence of a controlled substance while seeking admission to or otherwise enjoying the services of the place of public accommodation. The term “illegal use of drugs” does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by M.G.L. c. 94C or other provisions of Federal and State law.

(2) Disability - A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(3) Physical or mental impairment

(a) Any physical or mental disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

(b) Any mental or physiological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase physical or mental impairment includes, but is not limited to, contagious and non-contagious diseases and conditions, such as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The following conditions are not impairments: environmental, cultural, and economic disadvantages; homosexuality, bisexuality and other sexual orientation; normal pregnancy; personality traits that are not caused by mental or psychological disorders;

normal deviations in height, weight, or strength; the current illegal use of a controlled substance; psychoactive substance use disorders resulting from current illegal use of drugs; compulsive gambling, kleptomania, or pyromania; pedophilia, exhibitionism, or voyeurism; or the nondependent use of alcohol.

(4) Record of impairment - Has a past record or medical history of, or has been misclassified as having, a physical or mental impairment that substantially limited one or more major life activities, even though the impairment may no longer exist.

(5) Regarded as having an impairment

(a) Has a physical or mental impairment that does not substantially limit a major life activity but is treated by an individual or entity as having such a limitation; or

(b) Has a physical or mental limitation that substantially limits a major life activity only as a result of the attitudes of others towards such an impairment; or

(c) Has none of the impairments defined in subparagraphs (a) or (b) above but is treated by an individual or entity as having such an impairment.

(6) Major life activities - Those basic activities that the average person in the general population can perform with little or no difficulty. Examples of major life activities include functions such as: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, learning, and working. Other examples of major life activities include sitting, standing, lifting, bending and mental and emotional processes such as thinking, concentrating and interacting with others. The determination of whether an impairment substantially limits one or more major life activities shall be made without regard to the availability of medication, assistive devices, or other mitigating measures.

(7) Substantially limits - An impairment that prohibits or significantly restricts an individual in the condition, manner, or duration under which an individual can perform a major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same activity. The determination of whether an impairment substantially limits a major life activity depends on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long term impact of the impairment.

(8) Individual with a disability - A person who has a disability as defined in section 5.04(2). This does not include an individual who is currently engaging in the illegal use of drugs where a place of public accommodation acts on the basis of such use.

(9) Place of public accommodation - Any place that is open to and accepts or solicits patronage from the general public, whether such place is licensed or unlicensed, or whether privately or publicly owned and operated. The examples listed below are not intended to limit the general definition of what may be considered a place of public accommodation. Any reference in these regulations to an obligation imposed upon “a place of public accommodation” shall also mean that the same obligation is imposed

upon any owner, operator, lessor, lessee and employee of that place of public accommodation.

Examples of places of public accommodation include, but are not limited to, the following:

- (a) places of lodging, including hotels, inns, motels, campgrounds, resorts, and other short term lodging facilities;
- (b) restaurants, bars, and other establishments serving food or drink;
- (c) theaters, concert halls, sports stadiums, and other places of entertainment;
- (d) auditoriums, convention centers, lecture halls, houses of worship, and other places of public gathering;
- (e) sales and rental establishments, including stores, shopping centers, automobile rental agencies, and other retail establishments;
- (f) service establishments, including laundromats, dry-cleaners, banks, barber shops, travel agents, gas stations, funeral parlors, employment agencies, and providers of professional services such as lawyers, doctors, dentists, accountants, and insurance agents;
- (g) health care facilities, including dental and medical offices, pharmacies, clinics, hospitals, nursing homes, and other health facilities;
- (h) transportation vehicles of all types and transportation stations, terminals, depots, platforms and facilities appurtenant thereto;
- (i) museums, libraries, galleries, and other places of public display or collection;
- (j) parks, zoos, amusement parks, and other places of recreation;
- (k) child care or enrichment centers, senior citizens centers, homeless shelters, food banks, adoption agencies, and other social service establishments;
- (l) gymnasiums, health spas, bowling alleys, swimming pools, beaches, golf courses, and other places of exercises or recreation;
- (m) public sidewalks, streets, highways, boardwalks, and other public ways;
- (n) public spaces and offices of state and local government entities including, but not limited to, court rooms, hearing rooms, meeting rooms, waiting areas, lobbies, entrances, polling places, visitors' galleries, public information counters and displays;

(10) Private club - A club or establishment that is not subject to M.G.L. c. 272, § 92A, 98, and 98A because it is not open to and does not accept or solicit the patronage of the general public. In determining whether a club or establishment is private, factors to be considered include:

- (a) the degree of selectiveness in membership requirements;
- (b) the existence and utilization of formal membership procedures;
- (c) the degree of membership control over internal government with particular regard to the admittance of new members;
- (d) the use of the facilities by the general public;
- (e) the source of organizational funding, including dues, public funding, general revenues and the predominance of a profit motive;
- (f) the organization's use of advertisements in the solicitation of new members;
- and
- (g) the organization's performance of a public function.

(11) Qualified interpreter - An interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

(12) Readily achievable - Easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include the following:

- (a) The nature and cost of the action needed under 804 C.M.R. 5.00;
- (b) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
- (c) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to the parent corporation or entity;
- (d) If applicable, the overall financial resources of the parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees and the number, type, and location of its facilities;
- (e) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure; and
- (f) Functions of the workforce of the parent corporation or entity.

(13) Service animal - Any guide dog, signal dog, or other animal certified to do work or perform tasks for the benefit of an individual with a disability, including, but not limited

to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. The definition shall also include any companion animal certified to provide emotional support to an individual with a disability.

(14) Undue burden - A significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include the following:

- (a) The nature and cost of the action needed under 804 C.M.R. 5.00;
- (b) The overall financial resources of the facility or facilities involved in the action; the number of persons employed at the facility; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the facility;
- (c) The geographic separateness, and the administrative or fiscal relationship of the facility or facilities in question to any parent corporation or entity;
- (d) If applicable, the overall financial resources of any parent company or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (e) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

804 CMR 5.05

General Requirements

(1) Prohibition of discrimination - No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations in a place of public accommodation, subject to the defenses set forth in 804 C.M.R. 5.07.

- (a) Landlord and tenant responsibilities - Both the landlord who owns a building that houses a place of public accommodation and the tenant who owns or operates a place of public accommodation are subject to the requirements of 804 C.M.R. 5.00. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.
- (b) Employer and employee responsibilities - An employer that operates a place of public accommodation shall be strictly liable for any violation of M.G.L. c. 272, §§ 92A, 98, or 98A committed by one or more of its employees.
- (c) Liability for patron conduct - An operator of a public accommodation may be liable for the discriminatory conduct of a patron if the operator is on notice of such conduct and fails to take prompt remedial action.

(d) Donated space - Whoever utilizes donated or borrowed space as a place of public accommodation is subject to the requirements of 804 C.M.R. 5.00.

(2) Prohibited activities

(a) Denial of participation - A place of public accommodation shall not deny an individual or class of individuals, either directly or through contractual, licensing, or other arrangements, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of the place of public accommodation on the basis of disability.

(b) Participation in unequal benefits - A place of public accommodation shall not deny, on the basis of a disability, an individual or class of individuals, either directly or through contractual, licensing or other arrangements, the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is equal to that afforded to other individuals in the place of public accommodation.

(c) Separate benefit - A place of public accommodation shall not, on the basis of a disability, provide an individual or class of individuals, either directly or through contractual, licensing, or other arrangements, with a good, service, facility, privilege, advantage, or accommodation in a place of public accommodation that is different or separate from that provided to other individuals, unless the action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(3) Integrated settings

(a) General - A place of public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) Opportunity to participate - Notwithstanding the existence of separate or different programs or activities provided in accordance with 804 C.M.R. 5.05 and 804 C.M.R. 5.06, a place of public accommodation may not deny an individual with a disability an opportunity to participate in an integrated program or activity.

(c) Accommodations and services - Nothing in 804 C.M.R. 5.00 shall be construed to require an individual with a disability to accept an available accommodation, aid, service, opportunity, or benefit that the individual chooses not to accept.

(4) Administrative methods - A place of public accommodation may not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability.

(5) Association - A place of public accommodation may not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or organization because that individual or organization is known to have a relationship with an individual with a disability.

(6) Retaliation or coercion

(a) No person or entity may discriminate against any individual in a place of public accommodation because that individual has opposed any act or practice made unlawful by 804 C.M.R. 5.00, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under M.G.L. c. 272, §§ 92A, 98, 98A, or 804 C.M.R. 5.00.

(b) No person or entity may coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by M.G.L. c. 272, §§ 92A, 98 or 804 C.M.R. 5.00.

(7) Place of public accommodation located in private residences

(a) Where a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by 804 C.M.R. 5.00, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by 804 C.M.R. 5.00.

(b) The portion of the residence covered under 804 C.M.R. 5.04(12)(a) extends to those elements used to enter the place of public accommodation, including the sidewalks, pathways, parking spaces, doors or entryways, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including bathrooms.

(8) Illegal use of drugs

(a) General - Except as otherwise provided in this subsection, 804 C.M.R. 5.00 does not prohibit discrimination based on an individual's current illegal use of drugs.

(b) Health and drug rehabilitation services - If an individual with a disability is otherwise eligible to receive health services or other services provided in connection with drug rehabilitation, a place of public accommodation shall not deny those services to such individual on the basis of his or her current illegal use of drugs. However, a drug rehabilitation or treatment program may deny participation to individuals who engage in illegal drug use while they are in the program.

(9) Smoking - 804 C.M.R. 5.00 does not preclude the prohibition of, or the imposition of, restrictions on smoking in a place of public accommodation.

(10) Maintenance of accessible features

(a) General maintenance - A place of public accommodation shall maintain in fully working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

(b) Isolated or temporary interruptions - 804 C.M.R. 5.00 does not prohibit isolated or temporary interruptions in services due to maintenance or repairs. A place of public accommodation shall make a reasonable, good-faith effort to restore interrupted services as quickly as possible.

(11) Insurance - A place of public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions, coverage, or rates depend on the absence of individuals with disabilities.

804 CMR 5.06

Specific Requirements

(1) Eligibility criteria

(a) General - A place of public accommodation shall not impose or apply eligibility criteria that restrict or limit an individual with a disability or any class of individuals with disabilities from the full and equal enjoyment of any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

(b) Safety - A place of public accommodation may impose legitimate safety criteria that are necessary for safe operations for all patrons. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

(c) Surcharges or fees - A place of public accommodation may not impose a surcharge or fee on a particular individual with a disability or any group of individuals with disabilities to cover the cost of measures such as the provision of auxiliary aids and services, barrier removal, alternatives to barrier removal, and other reasonable modifications that are required to provide that individual or group with nondiscriminatory treatment required by M.G.L. c. 272, §§ 92A, 98, or 804 C.M.R. 5.00.

(2) Reasonable accommodation

(a) General - A place of public accommodation shall provide a reasonable accommodation to an individual with a disability when such accommodation is

necessary to provide such individual with full and equal use and enjoyment of goods, services, facilities, privileges, advantages, or accommodations, subject to the defenses set forth in 804 C.M.R. 5.07. A place of public accommodation is not required to provide the best accommodation available, or the accommodation specifically requested by the individual. It must provide an accommodation that is effective for its purpose.

(i) The duty to provide a reasonable accommodation is triggered where an individual identifies him/herself as a person with a disability and requests reasonable accommodation. If an individual has not requested a reasonable accommodation, the duty to offer a reasonable accommodation may still be triggered where the owner, operator or employee of the place of public accommodation knows or a reasonable person should know that the individual has a disability and requires a reasonable accommodation.

(ii) Once a place of public accommodation is on notice that an individual with a disability requires an accommodation to participate in or benefit from the full and equal goods, services, facilities, privileges, advantages, or accommodations of the place of public accommodation, the place of public accommodation should initiate an informal, interactive process with the individual in need of accommodation for the purpose of providing a reasonable accommodation. The place of public may initiate such process by making inquiry, either oral or written, as to what the place of public accommodation can do to enable the individual to fully enjoy its services.

(iii) Prohibited conduct shall not include engaging in an interactive process in a good-faith attempt to reasonably accommodate an individual with a disability.

(b) Examples of Reasonable Accommodation

(i) Reasonable modification of policies, practices, or procedures - A place of public accommodation shall make reasonable modification of policies, practices, or procedures where such modification is necessary to provide individuals with disabilities with full and equal use and enjoyment of goods, services, facilities, privileges, advantages, or accommodations.

(ii) Service animals - A person or entity shall modify policies, practices, or procedures to permit the entry and use of a service animal by an individual with a disability.

(iii) Check-out aisles and other service counters - A place of public accommodation with check-out aisles, ticket windows, or similar customer service counters shall ensure that an adequate number of accessible check-out aisles, windows and counters are kept open during operating hours or shall otherwise modify its policies and practices to ensure that an equivalent level of service is provided to individuals with disabilities as is provided to others.

(iv) Provision of auxiliary aids and service - A place of public accommodation shall furnish reasonable auxiliary aids and services in order to

ensure effective communication with individuals with disabilities. Auxiliary aids and services include: equipment, devices, materials and services necessary to provide effective communication with individuals with disabilities.

Examples of auxiliary aids and services include, but are not limited to:

(a) Personal assistance from employees to enable an individual with a disability to fully utilize the services of the public accommodation;

(b) Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, open or closed captioning, closed caption decoders, text telephones (TTYs), videotext displays, and other effective methods of making aurally delivered materials available to people who are deaf or hearing impaired;

(c) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, computer applications, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(v) Removal of Barriers

(a) General - A place of public accommodation shall remove architectural barriers including communication barriers that are structural in nature, where such removal is readily achievable (i.e. easily accomplishable and able to be carried out without much difficulty or expense).

(b) Examples - Examples of steps to remove barriers include, but are not limited to, the following actions:

(i) Installing ramps;

(ii) Making curb cuts in sidewalks and entrances;

(iii) Repositioning shelves;

(iv) Rearranging tables, chairs, vending machines, display racks, and other furniture;

(v) Repositioning telephones;

(vi) Adding raised markings on elevator control buttons;

(vii) Installing flashing light alarms;

(viii) Widening doors and aisles;

- (ix) Installing offset hinges to widen doorways;
- (x) Eliminating a turnstile or providing an alternative accessible path;
- (xi) Installing accessible door hardware;
- (xii) Installing grab bars in toilet stalls;
- (xiii) Rearranging toilet partitions to increase maneuvering space;
- (xiv) Insulating lavatory pipes under sinks to prevent burns;
- (xv) Installing a raised toilet seat;
- (xvi) Installing a full length bathroom mirror or lowering existing mirrors;
- (xvii) Repositioning the paper towel or soap dispenser in a bathroom;
- (xviii) Creating a designated accessible parking space;
- (xix) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
- (xx) Removing high pile, low density carpeting; or
- (xxi) Installing vehicle hand controls.

804 CMR 5.07
Defenses

(1) Direct threat

(a) A place of public accommodation need not permit an individual to participate in or benefit from the use and enjoyment of goods, services, facilities, privileges, advantages and accommodations of that place of public accommodation when that individual poses a direct threat to the health or safety of others or to himself or herself.

(b) Direct threat means a significant risk of substantial harm to the health or safety of others or himself or herself that cannot be eliminated by a reasonable accommodation.

(c) In determining whether an individual poses a direct threat to the health or safety of others or himself or herself, a place of public accommodation must make an individualized assessment, based on reasonable judgment that relies on current

general medical information or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable accommodation will mitigate the risk.

(2) Fundamental alteration

(a) A place of public accommodation need not make any accommodation if it can show that making that accommodation would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations offered by the place of public accommodation.

(b) When making the accommodation would result in a fundamental alteration, the place of public accommodation shall provide an alternative reasonable accommodation that is effective in providing an individual with a disability full use and enjoyment and equal accommodations, advantages, facilities, and privileges to the maximum extent possible.

(3) Undue Burden

a) A place of public accommodation need not make any accommodation if it can demonstrate that making the accommodation would result in an undue burden (i.e., significant difficulty or expense) to such place of public accommodation.

b) If the accommodation sought would result in an undue burden, the place of public accommodation shall provide an alternative reasonable accommodation that is effective in providing a disabled individual with the full and equal use and enjoyment of goods, services, facilities, privileges, advantages, or accommodations to the extent that such alternative accommodation does not result in an undue burden.

4) Barrier Removal is Not Readily Achievable

a) A place of public accommodation shall not be required to remove barriers if it can show that removal of barriers is not readily achievable (i.e., easily accomplished and able to be carried out without much difficulty);

b) When barrier removal is not readily achievable, the place of public accommodation shall provide individuals with disabilities full and equal goods, services, facilities, privileges, advantages, or accommodations through alternative methods if those methods are readily achievable. Examples of alternatives to barrier removal include, but are not limited to, providing curb service or home delivery, retrieving merchandise from inaccessible shelves or racks, and relocating activities to accessible locations.

(c) Program Accessibility

It shall be a defense to a claim of failure to remove barriers that the place of public accommodation is owned or operated by state or local government or any department,

agency, special purpose district, or other instrumentality thereof, and that the public accommodation has achieved program accessibility within the meaning of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or Title II of the Americans With Disabilities Act, 42 U.S.C. § 12131, et. seq.

5) Personal Devices or Services

A place of public accommodation need not provide its customers, clients, or participants with personal devices such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; or substantial assistance of a personal nature, such as feeding, dressing or toileting, beyond that which it provides to other patrons.

6) Special Inventory or Orders

A place of public accommodation need not alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities, such as Brailled or taped books, closed captioned video tapes, special lines of clothing or special foods. If a place of public accommodation makes special orders on request for unstocked goods in the normal course of its operation, then it shall order accessible or special goods at the request of an individual with a disability, provided that doing so is readily achievable.

7) Intoxication

A place of public accommodation may refuse admittance or service to an individual who is intoxicated.

8) Disruptive or Offensive Behavior

A place of public accommodation may refuse admittance or service to an individual whose conduct is disruptive or offensive to other patrons or to its employees.

5.08 SEVERABILITY

If any provision contained in 804 CMR 5.00 or the application thereof is held invalid to any person or circumstances, the remainder of 804 CMR 5.00 and the application of the provision in question to other persons not similarly situated, or to other circumstances, shall not be affected.